



## Patent and Trademark Office

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| SERIAL NUMBER | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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07/416,656 10/03/89 BORDER

W P318600

EXAMINER

PRETTY, SCHROEDER, BRUEGGEMANN & CLARK  
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LOS ANGELES, CA 90071

SAUNDERS, D

ART UNIT PAPER NUMBER

182

DATE MAILED:

07/03/91

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.  
*For Restriction*  
A shortened statutory period for response to this action is set to expire \_\_\_\_\_ month(s), 30 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

## Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☐ Notice of References Cited by Examiner, PTO-892.
- ☒ Notice re Patent Drawing, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, Form PTO-152
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐ \_\_\_\_\_

## Part II SUMMARY OF ACTION

- ☒ Claims 1-18 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
- ☐ Claims \_\_\_\_\_ have been cancelled.
- ☐ Claims \_\_\_\_\_ are allowed.
- ☐ Claims \_\_\_\_\_ are rejected.
- ☐ Claims \_\_\_\_\_ are objected to.
- ☒ Claims 1-18 are subject to restriction or election requirement.
- ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
- ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

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Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 2 and 7, drawn to body treatment methods with antibodies, classified in Class 424, subclass 85.8.

II. Claims 3 and 8, drawn to body treatment methods with PDGF, classified in Class 514, subclass 2.

III. Claims 4 and 9, drawn to body treatment methods with a peptide, classified in Class 514, subclass 18.

IV. Claims 11 and 12, drawn to detection of TGF-B in tissues, classified in Class 435, subclass 7.21.

V. Claims 16-18, drawn to antibodies and cells producing antibodies, classified in Class 530, subclass 387.

Body treatment claims 1, 5, 6, 10 and 13-15 are generic, and a species elected from Groups I-III must be elected for examination of these claims.

The inventions are distinct, each from the other because of the following reasons:

Groups I-III involve differing compositions; consideration of the use of each of these requires a different prior art search and differing considerations with respect to utility, enablement, obviousness motivation and secondary considerations related to unobviousness.

Group IV appears to involve a different use of one of the compositions employed in Groups II-III. Again there would be a

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different search and differing considerations related to enablement and obviousness.

The antibody composition of Group V could be <sup>used</sup> for purposes other than those of Groups I-IV. For example, the antibody could be used on an affinity matrix for the isolation of TGF-B.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and recognized divergent subject matter restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Any inquiry concerning this communication should be directed to D. Saunders at telephone number (703) 308-0196.

*David A. Saunders*

DAVID SAUNDERS  
PRIMARY EXAMINER  
ART UNIT 182

Saunders/LG  
June 07, 1991